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HORBLE HIGH COURT OF JUDICATURE AT BILASPUR.

W.P. No-: 904/04. S.B.

PETITIONER :- Akhilesh Kumar Upadhyay aged 32 yrs. s/o. Bramha dutt Upadhayay occupation – shiksha Karmi grade (3)- Middle school Domhara , Block Bhart pur , Distt- Koriya C.G.(permanent R/o. of Same village & address , as stated above)

P. R. No. 988/04
Presented by Shri Abhay Tiwari
dated 11/03/04

VERSUS.

RESPONDANTS :-

1:- State of Chhattisgarh through secretary for education department, D.K. S Bhawan secretariat Raipur. Distt- Raipur C.G.

RECEIVED COPY 11/3/04 Clerk to A. G. Bilaspur

2:- Secretary for punchayat Department (Autonomous bodies)D.K. S. Bawan Raipur.distt- Raipur. C.G.

3- Deputy secretary of office of honorable chief minister ,secretariat D.K. S. Bhawan ,Raipur Distt- Raipur.C.G.

4- Collector . Koriya distt- Koriya C.G.

5:- Chief Executive officer distt punchayat Koriya distt- Koriya C.G.

6:-Chief executive officer Janapad punchayat Bhart pur. DISTT- Koriya.C.G.

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WRITT PETITION UNDER ARTICLE 226/ 227 OF CONSTITUTION OF INDIA

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HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 804 of 2004

Petitioner Akhilesh Kumar Upadhayay

Versus

Respondents State of Chhattisgarh and others

Single Bench : Hon'ble Mr. Justice **Satish K. Agnihotri**.

Shri Abhay Tiwari, counsel for the petitioner.

Shri Manish Upadhayay, Panel lawyer for the State.

ORAL ORDER

(5th April, 2006)

The following order of the Court was passed by **Satish K. Agnihotri, J.**

1. According to learned counsel for the petitioner, the petitioner was appointed by order dated 10.10.1996 on the post of Shiksha Karmis Grade-II and posted at Higher Secondary School, Domhra. The petitioner received the said appointment order after the prescribed period for joining the post i.e. 30.4.1997, was over.

2. The petitioner made a representation to the respondents to the effect that the petitioner could not be denied appointment, when the appointment letter was not received by the petitioner in time. There was no fault of the petitioner and as such the right has accrued in favour of the petitioner by virtue of the appointment letter and the same should not be infringed. The petitioner made the representation on 27.10.2000 after a period of 2 ½ years.

3. The respondent No. 3 by his letter dated 28.11.2001 informed to the respondents No. 4, 5 and 6 that the petitioner could not be appointed on the post, a copy of the same was marked on the petitioner also.

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4. The petitioner after having waited for about 2 ½ years has filed this petition on 11.3.2004, praying for quashing of the impugning letter dated 28.11.2001 (Annexure P/3).

5. The appointments of other candidates were made way back in 1997 and the petitioner has filed the representation after a period of 2 ½ years and thereafter this petition was filed again after a period of 2 ½ years from the date of rejection of the representation. All the posts have been filled up till now and the rights of the similarly situated candidates have been crystallized. At this stage, this petition cannot be entertained on the ground of unexplained inordinate delay to disturb the settled position of the other similarly situate Shiksha Karmis Grade-II, posted at various places.

6. Hence, this petition is dismissed on the ground of inordinate delay. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

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